

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**UNITED STATES OF AMERICA** )

**v.** )

**JAMES R. HART** )

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**Case No. 04-cr-10119-MEL**

**JOINT MOTION TO EXCLUDE TIME**

The United States, by and through its attorneys, United States Attorney Michael J. Sullivan and Assistant United States Attorney Seth P. Berman, and the defendant, by and through his attorney Kevin Barron, move, pursuant to 18 U.S.C. §3161 (h)(8)(A) and (h)(8)(B)(iv) to exclude the period of time commencing on November 6, 2006 and ending on May 14, 2007. As grounds therefore, the parties state that the trial in this matter was originally scheduled for November 6, 2006. Shortly before that date, the defendant indicated that he wanted to change his plea to guilty. A Rule 11 hearing was consequently scheduled for November 28, 2006. On that date, defendant informed the government and the Court that he no longer intended to change his plea, and asked that a trial date be set. After a review of the schedules of the Court, the defense counsel and the government, the parties agreed that the best date for trial is May 14, 2007. Failure to grant such a continuance would unreasonably deny the defendant and the government continuity of counsel, and would deny counsel for the defendant or the attorney for the government, the reasonable time necessary for effective preparation.

WHEREFORE, the parties jointly request, under 18 U.S.C. §§3161(h)(8)(A), (h)(8)(B)(iv) and §5(c)(1)(A) of Plan for Prompt Disposition of Criminal Cases of this Court, that this Court find, based on the above, that the ends of justice served by granting the requested

exclusion outweigh the best interest of the public and the defendant in a speedy trial, and,  
accordingly, exclude the above period in computing the time within which trial must commence.

Respectfully Submitted,

JAMES HART

By:

MICHAEL J. SULLIVAN

United States Attorney

By:

/s/ Kevin Barron (by SPB)

KEVIN BARRON

Attorney for James Hart

(617) 482-6368

/s/ Seth P. Berman

SETH P. BERMAN

Assistant U.S. Attorney

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November 29, 2006